

**REMARKS**

Applicants wish to thank the Examiner for reviewing the present patent application. Support for the amendments is found in the specification and figures. Therefore, no new matter has been added and the amendments comply with 35 USC §132.

I. Rejection Under 35 USC §112, Paragraph 2

The Examiner has rejected claims 10, 13 and 14 under 35 USC §112, second paragraph and alleges that the same are indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Particularly, the Examiner mentions that claim 10 at line 3 is unclear as to what structural arrangement is being described by the statement "first portion located on the first portion".

Applicants acknowledge that the Examiner makes reference to the amendment filed on May 20, 2005. However, the second paragraph rejection was addressed in Applicants' amendment and reply under 37 CFR §1.116 mailed to the Patent Office on October 6, 2005. Therefore, it is respectfully submitted that this §112, second paragraph issue was already addressed and should be rendered moot. Applicants, therefore, request that this rejection be withdrawn for the reason previously made of record.

II. Rejection Under 35 USC §102(e)

The Examiner has rejected claims 1, 5, 10 and 14 under 35 USC §102(e) as being anticipated by Portman et al., U.S. Patent No. 6,464,099 (hereinafter '099). In the rejection, the Examiner mentions, in summary, that the '099 reference discloses a container for serving infused liquid beverages made from infusion bags having a string and tag attached whereby the container comprises a receptacle for holding liquid, and a lid for the receptacle provided with an opening. Furthermore, the Examiner mentions that the lid has a first portion which is capable of gripping the string of the infusion bag and a second portion through which the string and the infusion bag can move into and out of the container. In view of this, the Examiner believes that the §102(e) rejection is warranted.

Notwithstanding the Examiner's apparent position to the contrary, it is the Applicants' position that the presently claimed invention is patentably distinguishable from the above-described for at least the following reasons.

Independent claim 1, as amended, is directed to a container for serving infused liquid beverages made from infusion bags having a string and tag attached. The container comprises a receptacle for holding liquid, a lid for the receptacle provided with an opening having a first portion which is capable of gripping the string of the infusion bag and a second portion located on the first portion through which the string of the infusion bag can move into and out of the container. The container also has a dispensing outlet through which the consumer drinks the beverage wherein the first portion comprises a slit with further slits that extend at right angles therefrom and that

are aligned with the second portion further wherein the first slit with further slits results in four right angles.

Independent claim 1 is further defined by dependent claim 5 which mentions that the first slit is sufficient in length such that the tag attached to the string may be pushed through it without bending the tag.

Independent claim 10 is directed to a lid for a container for serving infused liquid beverages from infusion bags having a string and a tag attached, the lid being provided with an opening having a first portion which is capable of gripping the string of the infusion bag and the second portion located on the first portion through which the string of the infusion bag can move into and out of the container. The lid also has a dispensing outlet through which the container drinks the beverage wherein the first portion comprises a first slit with further slits that extend at right angles therefrom and that are aligned with the second portion, further wherein the first slit with further slits results in four right angles.

Independent claim 10 is further defined by claim 14 which characterizes the lid as one having a first slit with a length that is sufficient such that the tag attached to the string may be pushed through it without bending the tag.

In contrast, the '099 reference depicts a lid having slits that do not extend at right angles (please see Figure 1c and Figure 1d). Therefore, the slits in the '099 reference create obtuse and acute angles. Turning to Figures 8a and 8b of the '099 reference, shown are slit 61 and 62 that merely result in two right angles contrary to the four right angles set forth in the presently claimed invention.

The slits of the current invention which create four 90° angles. Therefore, depending on the orientation of the tea bag within the container, the '099 reference describes a container with a lid that requires a different pull or different tension when the consumer is attempting to catch the tea bag within the lid. The deficiencies of the container shown in the '099 reference are cured by the present invention since the slits which create right angles (four right angles) enable for consistent tension or pull in order for the infusion bag to be captured within the lid, regardless of the orientation of tea bag under lid. This is true because the amount of plastic that has to be displaced is equal due to the right angles. In view of this, it is clear that all the important and critical limitations set forth in the presently claimed invention are not found in a single reference relied on by the Examiner, namely the '099 reference. Therefore, Applicants respectfully request that the anticipatory rejection be withdrawn and rendered moot.

### III. Rejection Under 35 USC §103

The Examiner has rejected claims 1 and 10 under 35 USC §103 as being unpatentable over Portman et al., U.S. Patent No. 6,464,099 in view of Yip, U.S. Patent No. 4,602,557 (hereinafter '557). In the rejection, the Examiner mentions, in summary, that the '099 reference discloses a container for serving infused liquid beverages made from infusion bags having a string and tag attached, the container comprising a receptacle for holding liquid, a lid for the receptacle provided with an opening having a first portion which is capable of gripping the string of the infusion bag. The Examiner further mentions that the container of the '099 reference further comprises a second portion located on the first portion through which the string of the infusion bag can move and a dispensing outlet in the lid. In an attempt to cure the deficiencies of the '099 reference, the

Examiner relies on the '557 reference which merely describes a liquid brewing cup which has certain notches in its side. Based on the above, the Examiner believes that the obviousness rejection is warranted.

Notwithstanding the Examiner's apparent position to the contrary, it is the Applicants' position that the presently claimed invention is patentably distinguishable from the above-described for at least the following reasons.

As already made of record, independent claim 1 is directed to a container for serving infused liquid beverages whereby the container can have a lid with a first slit with further slits that extend at right angles therefrom and that are aligned with a second portion, further wherein the first slit with further slits results in four right angles.

Independent claim 10 is directed to a lid for a container whereby the lid has a first portion comprising a first slit with further slits that extend at right angles therefrom and that are aligned with a second portion, further wherein the first slit with further slits results in four right angles.

As already made of record, the arrangement of slits as described in the presently claimed inventions, as amended, enables for a consistent tension or consistent pull in order for an infusion bag like a tea bag to be captured within the lid.

In contrast, the '099 reference does not, even remotely, describe a lid or a container with a lid having slits oriented to form four right angles. The vast deficiencies of the '099 reference are not cured by the '557 reference since the '557 reference merely describes a cup having notches on its side. If such notches (like 24a and 24b) of the

'557 reference were made within the container described in the '099 reference, the container of the '099 reference would not be functional and would leak. In fact, such notches, as described in the '557 reference, would defeat the purpose of having the lid of the '099 reference. In view of this, it is clear that the Examiner has not established a *prima facie* case of obviousness as required under 35 USC §103. Therefore, Applicants respectfully request that the obviousness rejection be withdrawn and rendered moot.

#### IV. Rejection Under 35 USC §103

The Examiner has rejected claims 4 and 13 under 35 USC §103 as being unpatentable over Portman et al., U.S. Patent No. 6,464,099 (hereinafter, '099) and Portman et al., U.S. Patent No. 6,742,670 (hereinafter, '670). In the rejection, the Examiner mentions, in summary, that the '099 reference discloses a first slit with further slits extending at right angles. The Examiner relies on the '670 reference for mentioning the use of an aperture and aligned slits to grip an infusion bag string. In view of this, the Examiner believes that the obviousness rejection is warranted.

Notwithstanding the Examiner's apparent position to the contrary, it is the Applicants' position that the presently claimed invention is patentably distinguishable from the above-described for at least the following reasons.

As already made of record, the present invention, as amended, is directed to a container having a lid and a lid wherein the lid has a first slit with further slits that extend at right angles therefrom and that are aligned with the second portion, further wherein the first slit with further slits results in four right angles. The lid and container with lid of the presently claimed invention, as amended, have a first slit with further

slits that extend at right angles therefrom and that are aligned with a second portion, further wherein the first slit with further slits results in four right angles.

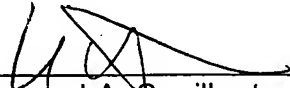
Such an arrangement is made since it results in four right angles that enable for consistent tension or consistent pull in order for an infusion bag like a tea bag to be captured within the lid, regardless of the orientation of the infusion bag under the lid. This is true because the amount of plastic that has to be displaced is equal due to the formation of four right angles. Claim 4 further defines independent claim 1 by characterizing the second portion as an aperture that is circular and that has a diameter greater than that of the string of the infusion bag. Claim 13 further defines independent claim 10 by characterizing the second portion as an aperture that is circular and that has a diameter greater than that of a string of the infusion bag.

Since all the important and critical limitations set forth in the presently claimed invention are not found in the combination of references relied on by the Examiner, Applicants respectfully request that the obviousness rejection be withdrawn and rendered moot.

Applicants request that all claims of record now be passed to issue. Favorable action is earnestly solicited.

In the event the Examiner has any questions concerning the present patent application, he is kindly invited to contact the undersigned at his earliest convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. A. Squillante, Jr.', is written over a horizontal line.

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